

REMARKS**Paragraph 1 of the Office Action**

Claim 3 is objected to because it lacks antecedent basis to "said front side".

- 5 Claim 9 is objected to because it does not end in a period. Appropriate correction required.

Claim 3 has been cancelled.

- Claim 9, according to applicant's original filing, appears to end in a period. Applicant has therefore not amended claim 9 but does request that the Examiner make
10 such an amendment by Examiner's amendment if it is still believed that a period is required.

The applicant respectfully requests withdrawal of the objection.

Paragraph 2 of the Office Action

- 15 The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference number 5 as mentioned in the description.

A replacement Figure 1 has been submitted with this response. Applicant requests notification by the Examiner if a formal sheet needs to be mailed to the Office.

- Withdrawal of the objection is respectfully requested by the applicant.
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Paragraphs 3-16 of the Office Action

- Claims 1, 2, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,560,113 to Simo in view of U.S. Patent Number 6,397,483 to Perkins. Claims 1, 3-6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable
25 over U.S. Patent Number 5,720,270 to Meicke in view of Simo and Perkins. Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Meicke in view of Simo and Perkins.

Claims 2 and 3 have been cancelled.

- Claim 1 has been amended and now includes the limitations of claim 3 and a
30 portion of claim 2. Claim 1, in particular, now includes a mounting assembly that includes a first ridge attached to the front side of the first wall. Such a structure has three

benefits which are not shown in the prior art. The first, as stated by the Examiner, is that the repositioning of the loop is much easier and quicker than shown in Meicke. The second is that this positioning places the center of gravity of the loop closer to the bow, which is an advantage over Simo. Third, this type of mounting structure allows for the electronics needed to provide lighted sights which cannot be done with the Meicke. Each of these shall be addressed in turn.

The first benefit, that applicant's device is much easier to adjust than Meicke, is acknowledged by the Examiner. However, the Examiner states that such a structure would have been obvious for one of ordinary skill in the art to use the same ridge. It is respectfully submitted to the Examiner that this is simply hindsight reasoning because if such a structure is so obviously beneficial, why did Meicke use it for one portion of a bracket, element 44, but not for the second portion attached to the loop? One reason for this is because Meicke is using the loop as part of the bracket itself. This is not what applicant has done. Applicant includes a mounting assembly attached to the loop, not the loop forming part of the mounting assembly. Meicke's fasteners 74 extend through the loop itself, this structure is not analogous to that of applicant's device. Thus, not only can the modification not be obvious in light of the fact Meicke specifically uses it for one function but not another, but the structure includes the loop and therefore cannot be used as analogous art with respect to applicant's device.

The second benefit includes the advantage of retaining the loop closer to the bow to ensure that the center of gravity of the loop does not bias the leveling of the bow. Simo uses a bracket assembly that is attached to an outer edge of the loop, not the front of the loop. Meicke could not have taught Simo any modifications because Meicke extends fasteners 74 through elongated slots 50, 52 in the loop itself. This leads to the third benefit, which is that these elongated slots would prevent the insertion of electronics, light emitting diodes and fiber optics in the loop adjacent to the pins where they need to transfer light. Because of this neither Simo, Perkins nor applicant would look to Meicke for a mounting apparatus. That the Examiner has still made this combination, in view of the fact that their combination would prevent Simo and Perkins from working properly is evidence of hindsight reconstruction. Finding elements alone is not enough; there must be motivation to make the combination.

Thus, every element of a claimed invention may often be found in the prior art. See *id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See *id.* Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. See *In re Danco*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

10 *In re Kotzab*, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000). Here the Examiner has found some of the elements of applicant's device, but upon looking at the prior art, it is apparent that such a combination would never be made because the combination would not work properly for the intended use.

Based on these reasons, it is respectfully submitted that amended claim 1, claim 9
15 and all remaining claims depending from claim 1 are in condition for allowance.

The applicant respectfully requests withdrawal of the rejection.

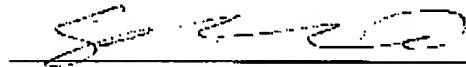
CONCLUSION

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In light of the foregoing amendments and remarks, early consideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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